

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CONGREGATION OF RIDNIK, RABBI MOISHE  
BERGER, CONGREGATION KOLLEL MEOR YOSEF,  
RABBI DAVID RIBIAT, CONGREGATION KHAL  
BOSTON, RABBI ABRAHAM HOROWITZ, and  
CHAIM CAHAN

Plaintiffs,

-against-

VILLAGE OF AIRMONT, PHILIP GIGANTE,  
VILLAGE OF AIRMONT BOARD OF TRUSTEES,  
VILLAGE OF AIRMONT ZONING BOARD OF  
APPEALS, LAURIE DIFRANCESCO, BUILDING  
DEPARTMENT OF THE VILLAGE OF AIRMONT,  
LOUIS ZUMMO, PLANNING BOARD OF THE  
VILLAGE OF ARIMONT, COMMUNITY DESIGN  
REVIEW COMMITTEE, DAN KRAUSHAAR, EVE  
MANCUSO, STU TURNER, and SHLOMO  
POMERANZ,

Defendants.

**DECLARATION IN SUPPORT  
OF DEFENDANTS' MOTION  
TO DISMISS**

18 Civ. 11533 (NSR)(AEK)

Alexander J. Eleftherakis, an attorney duly admitted to practice before this Court,  
declares the following to be true, under penalty of perjury:

1. I am an associate of Sokoloff Stern LLP, attorneys for Defendants Village of Airmont, Philip Gigante, Village of Airmont Board of Trustees, Village of Airmont Zoning Board of Appeals, Laurie Difrancesco, Building Department of the Village of Airmont, Louis Zummo, Planning Board of the Village of Arimont, Community Design Review Committee, Dan Kraushaar, Eve Mancuso, Stu Turner, and Shlomo ("Defendants") in the above-captioned action. I submit this declaration in support of Defendants' Motion to Dismiss the First Amended Complaint.

2. Annexed hereto are the exhibits submitted in support of Defendants' motion. Each exhibit is a true and complete copy of what it purports to be.

- a. Annexed hereto as Exhibit A is a copy of the Village Zoning Code as it existed following amendments adopted on January 30, 1997;
- b. Annexed hereto as Exhibit B is a copy of a Stipulation and Order entered into by the Village and the United States of America;
- c. Annexed hereto as Exhibit C is a copy of the current version of the Village Zoning Code;
- d. Annexed hereto as Exhibit D is a copy of Village Local Law No. 5 of 2007;
- e. Annexed hereto as Exhibit E is a copy of a letter from the New York State Department regarding the filing of Local Law No. 5 of 2007;
- f. Annexed hereto as Exhibit F is a copy of the Village Zoning Code as it existed following amendments adopted on July 23, 2007;
- g. Annexed hereto as Exhibit G is a copy of the minutes of the August 9, 2016 meeting of the Village Community Design Review Committee (“CDRC”);
- h. Annexed hereto as Exhibit H is a copy of the minutes of the September 13, 2016 meeting of the CDRC;
- i. Annexed hereto as Exhibit I is a copy of a document entitled “Updated Narrative,” received by the Village in December 2016, relating to a land use proposal at 61 Regina Road in the Village;
- j. Annexed hereto as Exhibit J is a copy of the minutes of the January 10, 2017 meeting of the CDRC;
- k. Annexed hereto as Exhibit K is a copy of the minutes of the April 6, 2017 meeting of the CDRC;
- l. Annexed hereto as Exhibit L is a copy of a document entitled “Narrative,”

received by the Village in April 2017, relating to a land use proposal at 61 Regina Road in the Village;

- m. Annexed hereto as Exhibit M is a copy of a letter dated May 23, 2017 from Brooker Engineering, PLLC to the Village;
- n. Annexed hereto as Exhibit N is a copy of a letter dated May 24, 2017 from Nelson, Pope & Voorhis, LLC to the Village;
- o. Annexed hereto as Exhibit O is a copy of the minutes of the May 25, 2017 meeting of the Village Planning Board;
- p. Annexed hereto as Exhibit P is a copy of the minutes of the June 13, 2017 meeting of the CDRC;
- q. Annexed hereto as Exhibit Q is a copy of the public agenda for the August 24, 2017 meeting of the Planning Board;
- r. Annexed hereto as Exhibit R is a copy of the public agenda for the September 28, 2017 meeting of the Planning Board;
- s. Annexed hereto as Exhibit S is a copy of the minutes of the February 22, 2018 meeting of the Planning Board;
- t. Annexed hereto as Exhibit T is a copy of the minutes of the March 29, 2018 meeting of the Planning Board;
- u. Annexed hereto as Exhibit U is a copy of the minutes of the April 26, 2018 meeting of the Planning Board;
- v. Annexed hereto as Exhibit V is a copy of the minutes of the January 12, 2016 meeting of the CDRC;
- w. Annexed hereto as Exhibit W is a copy of a document entitled “Narrative,”

received by the Village in December 2015, relating to a land use proposal 22 Rustic Drive in the Village;

- x. Annexed hereto as Exhibit X is a copy of the minutes of the March 8, 2016 meeting of the CDRC;
- y. Annexed hereto as Exhibit Y is a copy of the minutes of the October 11, 2016 meeting of the CDRC;
- z. Annexed hereto as Exhibit Z is a copy of the minutes of the January 10, 2017 meeting of the CDRC;
- aa. Annexed hereto as Exhibit AA is a copy of the minutes of the April 6, 2017 meeting of the CDRC;
- bb. Annexed hereto as Exhibit BB is a copy of the minutes of the June 22, 2017 meeting of the Planning Board;
- cc. Annexed hereto as Exhibit CC is a copy of the public agenda for the July 27, 2017 meeting of the Planning Board;
- dd. Annexed hereto as Exhibit DD is a copy of an e-mail from plaintiff Rabbi Moishe Berger dated July 10, 2017;
- ee. Annexed hereto as Exhibit EE is a copy of letter dated December 27, 2017 from Louis Zummo to Ryan Karben;
- ff. Annexed hereto as Exhibit FF is a copy of a notice of violation dated February 14, 2018;
- gg. Annexed hereto as Exhibit GG is a copy the Village Building Construction and Use and General Firesafety Requirements;
- hh. Annexed hereto as Exhibit HH is a copy of an appearance ticket for Violation No.

11-992;

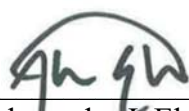
- ii. Annexed hereto as Exhibit II is a copy of the minutes of the June 12, 2012 meeting of the CDRC;
- jj. Annexed hereto as Exhibit JJ is a copy of the minutes of the May 7, 2013 meeting of the CDRC;
- kk. Annexed hereto as Exhibit KK is a copy of the minutes of the November 12, 2013 meeting of the CDRC;
- ll. Annexed hereto as Exhibit LL is a copy of the minutes of the March 11, 2014 meeting of the CDRC;
- mm. Annexed hereto as Exhibit MM is a copy of an excerpt of the minutes of the February 26, 2015 meeting of the Planning Board;
- nn. Annexed hereto as Exhibit NN is a copy of an appearance ticket for Violation No. 15-0172 issued to plaintiff Congregation Khal Boston;
- oo. Annexed hereto as Exhibit OO is a copy an excerpt of the minutes of the August 27, 2015 meeting of the Planning Board;
- pp. Annexed hereto as Exhibit PP is a copy of a judgment, dated September 7, 2017, in the matter of *The People of the State of New York v. Congregation Khal Boston*;
- qq. Annexed hereto as Exhibit QQ is a copy of a resolution of the Village Board dated February 8, 2017;
- rr. Annexed hereto as Exhibit RR is a copy of Village Local Law No. 1 of 2017;
- ss. Annexed hereto as Exhibit SS is a copy of a resolution of the Village Board dated July 17, 2017;

tt. Annexed hereto as Exhibit TT is a copy of a resolution of the Village Board dated March 5, 2018;

uu. Annexed hereto as Exhibit UU is a copy of a resolution of the Village Board dated June 4, 2018;

WHEREFORE, Defendants respectfully request that the Court grant their motion to dismiss in its entirety, together with such other and further relief as this Court deems just and proper.

Dated: Carle Place, New York  
December 7, 2020



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Alexander J. Eleftherakis  
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File No. 180175